

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, AUGUST 23, 2006

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
DINO F. BUCCI, JR, TRUSTEE
JANET DUNN, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Engineering Consultant
(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the entire Board of Trustees was present.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and items 5A11, 5A13, 5A14 and 10 were deleted and items 25A and 31 were added.

MOTION by BUCCI seconded by DUNN to approve the agenda as amended.

MOTION carried.

3. Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by KRZEMINSKI seconded by BUCCI to approve both bill runs as presented.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on August 9, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by DUNN seconded by NEVERS to approve the minutes of the meeting of August 9, 2006 as presented.

MOTION carried.

AGENDA ITEMS

5. Consent Agenda Items:

A. Clerk's Department:

1. **Ground Sign Bond Return**; Sycamore Estates, Permanent Parcel No. 08-26-100-001.
2. **Ground Sign Bond Return**; Sycamore Estates, Permanent Parcel No. 08-26-303-024.
3. **Ground Sign Bond Return**; Strathmore Subdivision, Permanent Parcel No. 08-04-100-031.
4. **Ground Sign Bond Return**; Strathmore Site Condominiums, Permanent Parcel No. 08-04-100-029.
5. **Ground Sign Bond Return**; Winding Creek Subdivision, Permanent Parcel No. 08-05-202-014.
6. **Wall Sign Bond Return**; Macomb Family Eye Care, Permanent Parcel No. 08-23-100-029.
7. **Wall Sign Bond Return**; Pinewood Villas Subdivision, Permanent Parcel No. 08-16-300-014.
8. **Monument & Irons Bond Return**; Pinewood Villas Subdivision, Permanent Parcel No. 08-16-300-014.
9. **Storm Drain Completion Bond Return**; Pinewood Villas Subdivision, Permanent Parcel No. 08-16-300-014.
10. **Landscape Bond Return**; Pine Valley Subdivision, Permanent Parcel No. 08-04-100-034.
11. This item was deleted from the agenda.
12. **Luchtman Road Construction Bond Return**; Wolverine Country Club Sub, Parcel No. 08-05-400-030.
13. This item was deleted from the agenda.
14. This item was deleted from the agenda.

B. Water & Sewer

1. **Easement Encroachment Agreement**: Clarence Townsley and Kendra Townsley, 45997 Apple Lane, Macomb MI 48044, Lot 328, Plum Grove Village Subdivision No. 1. Parcel No. 08-32-277-035.

2. **Easement Encroachment Agreement:** Joseph J. Sciamanna, 51459 Royal Links Court, Macomb MI 48042, Lot 45, Castle Mar Subdivision. Parcel No. 08-15-444-026.
3. **Easement Encroachment Agreement:** Brent D. Mueller and Christine P. Mueller, 46586 Serenity Drive, Lot 90, Creekside Village Subdivision No. 3. Parcel No. 08-35-228-010.
4. **Easement Encroachment Agreement:** Harold C. Wessel and Cathy A. Wessel, trustees of the Harold C. Wessel and Cathy A. Wessel living trust agreement under date of November 12, 2004. 17415 Invitational Drive, Macomb MI 48044, Lot 111, Country Club Village of the North Subdivision. Parcel No. 08-05-128-023.

C. Department Monthly Reports:

1. Water/Sewer Department
2. Fire Dept.

MOTION by DUNN seconded by BUCCI to approve the Consent Agenda as amended.

MOTION carried.

6. **Public Comments - (3 minute time limit) - NONE**

PLANNING

7. **Final Preliminary Plat; Lone Oaks Estates Subdivision;** 23 lots; Located North side of 22 Mile Road, 566' west of Card Road; Section 22; Polaris Enterprises, Petitioner; Permanent Parcel No. 08-22-400-032.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. James Grosser, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by DUNN seconded by BUCCI to approve the Final Preliminary Plat; Lone Oaks Estates Subdivision; Permanent Parcel No. 08-22-400-032.

MOTION carried.

8. **Request for Two Model Permits for Margherita Estates;** Section 22, Lot #1-21797 Emanuel Drive and Lot #2-21781 Emanuel Drive; Vince Galati, Excel Homes, Petitioner.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

MOTION by MALBURG seconded by BUCCI to approve the request for two Model Permits for Margherita Estates being Lot #1-21797 Emanuel Drive and Lot #2-21781 Emanuel Drive.

MOTION carried.

9. **Request to Alter Grade; Middle Branch Clinton River Alter Grade**, Section 17, SDA Review No. MA05-142.

Mr. James VanTiflin, Consulting Engineer, reviewed this item and stated his recommendation of approval.

Ms. Stacy Cerget, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by KOEHS seconded by BUCCI to approve the request to alter the grade on the Middle Branch Clinton River, Section 17, SDA Review No. MA05-142.

MOTION carried.

10. This item was deleted from the agenda.

OLD BUSINESS

11. **Consideration of Williams Home on 21 Mile Road**

Supervisor BRENNAN and Lawrence Dloski, Township Attorney, reviewed this matter, which concerns the burnt-out residence at 47013 Burning Tree Lane. Mr. Dloski updated the Board on the status of the ongoing insurance and criminal investigations and recommended that the Board award a bid for demolition.

MOTION by KOEHS seconded by KRZEMINSKI to award the bid for demolition to Walker Construction, Inc. for the amount of eleven thousand five hundred dollars (\$11,500.00).

MOTION carried.

MOTION by KOEHS seconded by KRZEMINSKI to authorize the demolition to commence ten days after legal counsel sends a notice to all of the parties concerned in this matter.

MOTION carried.

NEW BUSINESS

12. **Request to Adopt Eagle Scout Resolution** for Thomas J. Shipton.

Clerk KOEHS reviewed this item and stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by NEVERS to adopt the resolution honoring Eagle Scout Thomas J. Shipton and declaring October 9, 2006 as 'Thomas J. Shipton' day in Macomb Township.

MOTION carried.

BUILDING DEPARTMENT

13. **Request to Sell Two Extra Vehicles**

Bob Beckett, Building Official, reviewed this item and stated that these vehicles would be disposed of by the sealed bid process, in 'as is' condition. He further stated his recommendation of approval.

MOTION by BUCCI seconded by DUNN to authorize the Building Official to receive bids for the 1998 Dodge ½ ton pick up truck and the 2000 Dodge ½ ton pick up truck, and to offer them for sale in "As is" condition.

MOTION carried.

HUMAN RESOURCES DEPARTMENT

14. **Request to Attend 2006 MISHRM Conference**

John Brogowicz, Human Resource Director, reviewed this conference request and stated his recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve the request for training and include the cost of one work shop, meals, lodging and mileage.

MOTION carried.

15. **Request for Approval to Hire HR Specialist for Benefit Administration**

John Brogowicz, Human Resource Director, reviewed this employment position and the candidate selection process. He then stated his recommendation to offer employment to Barbara Kubes as the Human Resource Benefits Administration Specialist.

MOTION by KRZEMINSKI seconded by BUCCI to extend an offer of employment to Barbara Kubes as the Human Resource Benefits Administration Specialist.

MOTION carried.

WATER AND SEWER DEPARTMENT

16. **Request for a Temporary Cement Batch Plant**, Portofino Villas Subdivision; West side of Card Road, ½ mile north of 23 Mile Road; Tony Angelo Cement Company, Petitioner.

David Koss, Water & Sewer Superintendent, reviewed this batch plant request and stated his recommendation of approval.

MOTION by KOEHS seconded by MALBURG to approve the temporary cement batch plant at Portofino Villas subdivision for a period of sixty (60) day, from August 26 through October 25, 2006.

MOTION carried.

17. **Pay Certificate #7, 23 Mile Road Water Main** (23 Mile Rd Water and Sewer Replacement) Pamar Enterprises Inc. MA02-007 & MA02-022.

David Koss, Water & Sewer Superintendent, reviewed this pay certificate and stated his recommendation of approval.

MOTION by DUNN seconded by KOEHS to approve the request for Pay Certificate #7, 23 Mile Road Water Main (23 Mile Rd Water and Sewer Replacement) Pamar Enterprises Inc. MA02-007 & MA02-022, in the amount of one hundred thirty six thousand four hundred sixty seven dollars (\$136,467.00).

MOTION carried.

18. **Clinton River Watershed Council**, Annual NPDES Education Fees.

David Koss, Water & Sewer Superintendent, reviewed this request and stated his recommendation of approval.

MOTION by KOEHS seconded by KRZEMINSKI to approve the payment of the 2006-2007 dues for the Clinton River Watershed Council Annual NPDES in the amount of two thousand seven hundred two dollars and eighty one cents (\$2,702.81)

MOTION carried.

19. **Purchase Requisitions**

1. East Jordan Iron Works Inc.

David Koss, Water & Sewer Superintendent, reviewed this purchase request and stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the purchase requisition for the East Jordan Iron Works in the amount of one thousand five hundred thirty one dollars and thirty eight cents (\$1,531.38).

MOTION carried.

2. Inter-Link Inc.

David Koss, Water & Sewer Superintendent, reviewed this purchase request and stated his recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve the purchase requisition for Inter-Link, Inc. in the amount of three thousand four hundred and twenty five dollars (\$3,425.00).

MOTION carried.

FIRE DEPARTMENT

20. **Request to Purchase Fire Prevention Materials**

Supervisor BRENNAN reviewed this request to purchase merchandise for Fire Prevention Week and stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by KOEHS to approve the purchase request for Fire Prevention Material in the amount of three thousand one hundred fifty five dollars and sixty cents (\$3,155.60).

MOTION carried.

21. **Request to Purchase Extrication Equipment**

Supervisor BRENNAN reviewed this request to purchase extrication equipment and stated his recommendation of approval.

MOTION by DUNN seconded by NEVERS to approve the request to purchase extrication equipment from Apollo Fire Equipment in the amount of twenty nine thousand five hundred fifty five dollars (\$29,555.00).

MOTION carried.

22. Probationary Firefighter Brian Studer

Supervisor BRENNAN reviewed this request and stated that Brian Studer has been recommended by the entire command staff of the Fire Department to end his probation and award him the title of Fire Fighter. He further stated his recommendation of approval.

MOTION by KOEHS seconded by MALBURG to end the probation of Brian Studer and award him the title of Fire Fighter.

MOTION carried.

23. Request for Training

Supervisor BRENNAN reviewed this training request to allow Lt. Charles Callewaert to attend the Michigan Fire Inspectors Fall Educational Seminar. He further stated his recommendation of approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the training request for Lt. Charles Callewaert to attend the Michigan Fire Inspectors Fall Educational Seminar.

MOTION carried.

24. Request for Extrication Training

Supervisor BRENNAN reviewed this training request and stated his recommendation of approval.

MOTION by BUCCI seconded by DUNN to approve the Extrication Training for twelve fire fighters at a cost of one thousand two hundred dollars (\$1,200.00).

MOTION carried.

BOARD COMMENTS

25. Supervisor Comments:

A. Request Authorization for Legal Counsel to Defend in the matter of Polaris Enterprises v Macomb Township.

Supervisor BRENNAN reviewed this training request and stated his recommendation of approval

MOTION by KRZEMINSKI seconded by KOEHS to authorize Legal Counsel to defend the township in the matter of Polaris Enterprises v Macomb Township.

MOTION carried.

- 26. Clerk Comments: NONE
- 27. Treasurer Comments: NONE
- 28. Trustees Comments: NONE

EXECUTIVE SESSION

MOTION by NEVERS seconded by BUCCI to adjourn to Executive Session.

MOTION carried. (Adjourned to Executive Session at 7:40 p.m.)

- 29. **DDMR Properties, LLC vs. Macomb Twp**

MOTION by KOEHS seconded by DUNN not to appeal the decision in this matter.

MOTION carried.

- 30. **Easement Acquisition, Card Road Sanitary Sewer Project MA02-009.**

MOTION by KOEHS seconded by BUCCI to approve the easement acquisition as presented.

MOTION carried.

- 31. **Beaumont v Macomb Township Consent Judgment Revision**

MOTION by KOEHS seconded by MALBURG to approve the consent judgment revision as presented.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the meeting at 7:59 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk